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GENERAL ASSEMBLY
Forty-sixth session
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-sixth year

Letter dated 4 February 1991 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and with reference to our previous letters concerning Israeli aggression against Lebanon, the latest of which is dated 31 January 1991 (S/22184), I have the honour to transmit herewith information concerning the acts of aggression carried out since that date by Israel.

On Thursday, 31 January 1991, at 0800 hours, the artillery of the Israeli occupation forces and the militia known as the "South Lebanon Army", which collaborates with the Israeli forces and is concentrated within the occupied zone, began the indiscriminate and destructive bombardment in southern Lebanon and the western Bekaa of dozens of villages and of Palestinian camps, particularly, in Rashidieh, east of Sidon, Tyre and Nabatieh, causing numerous deaths and wounding dozens of persons among the civilian population.

Israeli warships participated in the bombardment of the camps in Rashidieh and the coastal zone, while Israeli helicopters fired missiles at villages. Bombs and missiles were directed at the villages of Jarjouh, Sarba, Ain Qana, Arabsalim, Ain Boussoire, Mlita, Jeba'a, Kfarmelki and the villages of east Sidon, as well as the Lebanese army barracks in Tyre and the built-up areas of Houmine El-Fawka, Houmine El-Tahta, Habbouche, Zahrani, Kfar Roummane, Deir El-Zahrani, Nabatieh and throughout the villages of the eastern area of the western Bekaa, particularly Ain Tine, Machgara, Qaraoun and Qilia.

The bombardment caused such large-scale damage to houses and property that civil defence vehicles were unable to evacuate the numerous wounded persons because of the intensity of the ground, naval and air bombardment.

READEX FICHE

The bombardment continued for the last three days, during which Israeli motorized forces entered the occupied zone and numerous Israeli combat aircraft overflew southern Lebanon and many warships cruised along the Lebanese coast between Nagoura and Sidon.

The Lebanese Government strongly condemns this serious Israeli military escalation and intrusion into Lebanese territory violating the sovereignty of the Lebanese State and the security of its citizens and draws the attention of the international community to these events, which have occurred at the very time when the Lebanese State decided to deploy Lebanese Army units in the region adjacent to the occupation zone as a first step towards re-establishing its sovereignty over its territory; as usual, whenever the Lebanese State endeavours to strengthen security and stability in the country by using its regular forces, Israel strives to thwart these efforts by force in accordance with its unremitting policy of destroying Lebanon by undermining the stability and security of the country in general and of southern Lebanon in particular.

I should be grateful if you would have this letter circulated as a document of the forty-sixth session of the General Assembly, under the agenda item entitled "The situation in the Middle East", and of the Security Council.

(Signed) Khalil MAKKAWI
Ambassador
Permanent Representative

UNITED NATIONS

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General Assembly

Economic and Social Council

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GENERAL ASSEMBLY
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ADVANCEMENT OF WOMEN

ECONOMIC AND SOCIAL COUNCIL
First regular session of 1991
ADVANCEMENT OF WOMEN

Letter dated 2 February 1991 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

I have the honour to forward to you a letter from the Minister for Foreign Affairs of the People's Republic of China concerning the holding of a world conference on women in 1995 (see annex).

I would be grateful if you could arrange for the present letter and its annex to be issued as an official document of the forty-sixth session of the General Assembly, under the item entitled "Advancement of women", and of the first regular session of the Economic and Social Council for 1991, under the item entitled "Advancement of women", and brought to the attention of the Commission on the Status of Women.

(Signed) LI Daoyu
Permanent Representative of the
People's Republic of China
to the United Nations

ANNEX

Letter dated 28 January 1991 from the Minister for Foreign Affairs of China to the Secretary-General

I should like to refer to General Assembly resolutions 44/77 and 45/129 and Economic and Social Council resolution 1990/12 regarding the holding of a world conference on women in 1995.

In keeping with those resolutions, in the name of the Chinese Government, I wish to convey to you an invitation to all interested parties to hold the 1995 world conference on women in Beijing. In addition to this invitation, the Chinese Government is prepared to play host to a non-governmental organizations forum which traditionally serves as an ancillary meeting to the world conference.

The Chinese Government and people would be most satisfied to see the next world conference on women held, for the first time, in the capital of an Asian country. The previous three conferences were convened in Mexico, Denmark and Kenya. It is appropriate that this conference be held in China, for in no other continent is there a larger female population than in Asia and in no other country than in China. Always attaching importance to the work concerning women, the Chinese Government has, at home, made tremendous efforts and scored remarkable achievements in improving the status of women, ensuring equality between men and women and promoting women's participation in national development. Internationally, it has been deeply involved in the activities relating to women within the United Nations system and has made useful contributions to the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women and the maintenance of world peace.

The Chinese Government is well aware of the human, material and financial resources involved in connection with the conference. China has considerable experience in organizing large international activities and Beijing is well equipped with the necessary facilities required for international conferences.

I should like to assure you of the close co-operation of the Chinese Government in the preparation of the conference and of every effort necessary to ensure its successful convocation.

(Signed) QIAN Qichen
Minister for Foreign Affairs of the
People's Republic of China

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GENERAL ASSEMBLY
Forty-sixth session
THE SITUATION IN AFGHANISTAN
AND ITS IMPLICATIONS FOR
INTERNATIONAL PEACE AND
SECURITY
REVIEW OF THE IMPLEMENTATION OF
THE DECLARATION ON THE
STRENGTHENING OF INTERNATIONAL
SECURITY

SECURITY COUNCIL
Forty-sixth year

Letter dated 4 February 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Afghanistan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a statement issued by the Ministry of Foreign Affairs of the Republic of Afghanistan (see annex).

I have further the honour to request that the text of the present letter and its annex be circulated as an official document of the General Assembly, under the items entitled "The situation in Afghanistan and its implications for international peace and security" and "Review of the implementation of the Declaration on the Strengthening of International Security", and of the Security Council.

(Signed) Mohammad E. ROSHAN-RAWAAN
Chargé d'affaires a.i.

ANNEX

Statement by the spokesman of the Ministry of Foreign Affairs of the Republic of Afghanistan

The Government of the Sudan has decided to establish diplomatic relations with the so-called Peshawar-based Afghan opposition government. Sudan was one of the four countries which had officially recognized it. The spokesman of the Foreign Ministry of the Republic of Afghanistan conveys the following in this connection.

According to the reports that have recently reached here, the régime of General Omar Hassanul Bashir in the Sudan has decided to establish diplomatic relations with the failing Afghan opposition government and to allow them to open its embassy in Khartoum.

It is amazing that a responsible government has taken such a ridiculous and irresponsible action. The Government of the Sudan was among the four countries that, right after the establishment of the so-called interim government, recognized it, owing to the pressure of Saudi Arabia. However, after the changes in the Sudan and the establishment of the exising régime in that country, the new government practically distanced itself from the Afghan opposition.

After the establishment of the régime of Omar Hassanul Bashir in the Sudan, contacts were made and meetings held at high levels between the Republic of Afghanistan and the Sudan. For example, Najibullah, President of the Republic of Afghanistan, during his recent visit to Paris, met with General Omar Hassanul Bashir, Head of the State of the Sudan. Likewise, the Minister for Foreign Affairs of Afghanistan met with the Minister for Foreign Affairs of the Sudan in the Embassy of Sudan at Addis Ababa on 26 July 1989, as well as in September of the same year at Belgrade. During these meetings, the Sudan side severely condemned the position of the Afghan opposition and confirmed the offers and proposals of the Government of the Republic of Afghanistan as the most realistic alternative for the cessation of war in Afghanistan. Both sides agreed to continue their contacts through their Permanent Representatives at the United Nations. Such contacts are still continuing.

On the basis of certain considerations and the role that the Sudan could play in mediating between the Government of the Republic of Afghanistan and the Afghan opposition which it had undertaken, both sides had agreed that the proceedings of those meetings should not be revealed at that time. But now, the Government of the Sudan, breaching its earlier commitments and by trampling underfoot the accepted norms of international relations, has established diplomatic relations with a homeless government that does not possess anything but a name.

In our view, this decision of an unstable régime of the Sudan, which itself is confronted with a wave of domestic extremism and pressure by Saudi Arabia, cannot be considered anything but yielding to the interests of the extremist parts of the

sovereignty in the Sudan and the satisfaction of Saudi Arabia, which is dissatisfied owing to the Sudan's stand in the Gulf crisis and has reduced its assistance to the Sudan.

The Republic of Afghanistan considers the decision of the Sudan, which will culminate in the further isolation of that country, as contrary to the accepted norms of relations between States and lodges its severe protest to the Government of the Sudan in this connection.

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A/46/79
6 February 1991

ORIGINAL: ENGLISH

Forty-sixth session

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Letter dated 4 February 1991 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a copy of a statement I delivered at a celebration of Philippine Constitution Day on 2 February 1991 (see annex).

I should be grateful if you could arrange to have the present letter and its annex circulated as an official document of the forty-sixth session of the General Assembly under the item entitled "United Nations Decade of International Law".

(Signed) Sedfrey A. ORDOÑEZ
Ambassador
Permanent Representative

ANNEX

Civil law and common law traditions and constitutionalism in the Philippines

Philippine affinity with the Western world really started in the year 1491, that is 500 years ago, the discovery of America by Christopher Columbus - whose quintecentennial the Hispanic world will celebrate this year. The Philippine participation in the celebration consists of a reconstruction of what was then the biggest galleon for ocean exploration. Filipino sailors will sail it from Manila, anchoring in Sevilla, Spain to mark the height of the celebration. The Philippines was discovered by Magellan in 1521, but what's 40 or so years between the peoples of the United States and the Philippines who are old friends? The Philippines was under Spain for 377 years and under the United States for almost 50 years and the two periods of foreign domination truly affected the present Philippine legal system.

The Philippines celebrates the fourth anniversary of the Constitution today, 2 February, which marks the day of the ratification of the constitution, and which roughly coincides with the 204th anniversary of the signing of the United States Constitution by the delegates to the Constitutional Convention. Our present constitution was drafted by appointed commissioners drawn from various sectors of society who composed the Constitutional Convention headed by retired Supreme Court Justice Cecilia Munoz Palma. However, there is a difference in the process of ratification: our ratification was by means of a single act of plebiscite, while the ratification of the United States Constitution was by means of successive acts of ratification by the individual sovereign states which was completed only in 1788, although the Constitution itself was signed by the delegates to the Constitutional Convention on 17 September 1787.

President Aquino was sworn into office on 25 February 1986. From that February day of swearing in to 2 February 1987, our fundamental law was truly the law of the revolution, the people's revolution. On 25 March 1986, however, President Aquino proclaimed the Freedom Constitution which was to be in force until the ratification of the present constitution, and this ratification took place on 2 February 1987, by the affirmative vote of 16,605,425 as against 4,949,901 who voted "No" and 209,461 who abstained, or a ratio of 76.29 to 72.74 in a turnout of 86.96 per cent. The Freedom Constitution is significant in our history because it meant the restoration of constitutionalism as a way of life, the formal end of the exercise of truly revolutionary powers. Under the Freedom Constitution, the President exercised executive as well as legislative powers, but not dictatorial powers, because the courts were functioning without hiatus, with the Supreme Court retaining the power of judicial review which meant jurisdiction to adjudicate constitutional boundaries. During the drafting of the Freedom Constitution in the Department of Justice by a committee headed by the Minister of Justice and which included the Solicitor General and two Vice-Ministers of Justice, Vice-President Salvador Laureal and then Minister of Defense Juan Ponce Enrile urged the retention of the legislative body known as Batasang Pangbansa "to give the stamp of legitimacy to the new régime" but this was rejected on the theory that there can be no higher legitimacy than the authority of a successful people's revolution. The

Freedom Constitution was, in effect, an act of self curtailment because by its promulgation, the rule of law was re-established in the Philippines.

Under the ousted régime of the dictatorship, Constitution Day meant 17 January 1973 when the President issued Proclamation 1102 certifying to the ratification of the 1973 Constitution by the Citizens Assemblies (which included 15-year-olds) of the draft of the Constitution which was presented by the Constitutional Convention and approved by a huge majority of the 320 delegates on 29 November and signed by the delegates on 30 November 1972 (one delegate signed with his own blood!) when the Philippines was under martial law. That constitution did not mean adoption of constitutionalism as a way of life because, along with its provisions on the Bill of Rights, on the independent juridicary and on the elected legislative body, the infamous transitory provisions provided that "He (the President) shall continue to exercise his powers and prerogatives under the 1935 Constitution ... and all proclamations, orders, decrees, and instructions, and acts promulgated or done by the incumbent President shall be part of the law of the land and shall remain valid, legal and binding, and effective even after lifting of martial law or the ratification of this constitution, unless modified, revoked or superseded by subsequent proclamations, orders, decrees, instructions or other acts of the incumbent President or unless expressly and explicitly modified or repealed by the regular National Assembly".

Parenthetically, since he did not convene the regular national assembly, as distinguished from the interim national assembly, there was no way of repealing the President's orders.

Constitution Day under the 1935 Constitution which was supplanted by the 1973 or martial law constitution was observed on 8 February, the day of ratification of the constitution as provided by the Tydings-Mcduffie Act which ended the Commonwealth status of the Philippines and which provided that "The Constitution to be adopted must provide for a republican form of government." For all practical purposes, therefore, the republican form of government under a rule of law ended when martial law was declared and was not re-established until the promulgation of the Freedom Constitution on 25 March 1986 when constitutionalism once more became a way of life in the Philippines.

Except for the martial law years, constitutionalism was steadily growing in the Philippines, a process which started even during the waning days of the Spanish occupation. The civil law tradition, founded on the great teachings of the Civil Law of Rome became a part of the Philippine legal system. The Code Napoleon of 1803 became the model of the Spanish Civil Code of 1889. This code, together with the Code of Commerce of 1888 and the Codigo Penal or Penal Code of Spain of 1870 brought the civil law tradition to the Philippines.

The Treaty of Paris of 10 December 1898 under which Spain ceded the Philippines to the United States (although by then the Philippines had already won its independence from Spain and had adopted what is now known as the Revolutionary Constitution or the Malolos Constitution) brought to the Philippines the great common law tradition which the colonists in turn had brought to the new world from England. The political laws of Spain were automatically abrogated by the change of sovereignty, but the non-political laws were retained, leading to the coexistence

of the civil law and the common law tradition, enriched by a system of court procedure that was essentially of common law tradition. Criminal procedure as understood in federal practice in the United States became the pattern for our criminal procedure, and for our civil procedure, the occupying authorities chose the Code of Civil Procedure of California as a model because of the influence of Spanish law on California law.

The tradition of constitutionalism inherited from United States law has an assured continuing influence in Philippine life because of the concept of judicial review or judicial supremacy enunciated in the landmark decision of Marbury vs. Madison of the United States Supreme Court, with this difference: the United States Constitution did not expressly grant the Supreme Court the power to declare acts of the co-equal legislative and executive branches of government unconstitutional, but it was asserted that inherent in the constitution was the solemn duty of the Supreme Court to declare as unconstitutional certain official acts of the legislative and of the executive, which simply means that it is not the Supreme Court that is supreme, and that in declaring acts of Congress or of the Chief Executive unconstitutional, it is the will of the sovereign people that is made to prevail. In the Philippines, starting from the 1935 Constitution, it has always been expressly stated in all constitutions that Congress cannot enact laws which shall take away from the Supreme Court its jurisdiction to declare laws unconstitutional.

What stands out today as evidence of constitutionalism in the Philippines is the manner in which we deal with emergencies such as has been imposed upon us now by the Persian Gulf war. In 1941, in fear of the approaching Pacific war, the Philippine Congress enacted an emergency powers for specific purposes and law which vested the President with emergency powers for a limited period as provided in the 1935 constitution. When the war ended in 1945 and Congress had already reconvened, the President attempted to invoke the same emergency powers by appropriating funds for government operation although Congress had not enacted an appropriation act. The Supreme Court declared such presidential appropriations as unconstitutional, ruling that "emergencies do not create emergency power". In dealing with the emergencies of the present shooting war in the Middle East, the President has proposed that she be granted emergency powers which she can exercise for such limited time as Congress may specify, and it seems that our Congress is inclined to grant the powers. I prefer to describe the emergency situation as merely causing the increase of the adrenalin of constitutional fervor but the emergency cannot create a power not originally allocated by the constitution.

Every student of constitutional law will be interested in knowing how the 1973 or martial law constitution came into force. The first resolution of the Constitutional Convention was to reduce the voting age from 21 to 18 under the very laudable argument that an 18-year-old who may be called to serve as a soldier to defend his country would likewise be given the right to vote. This was Con Con Resolution No. 1. What was unfortunate, however, is that those who sponsored the resolution felt so overwhelmed by their victory in passing the resolution that they also wanted a special or advance plebiscite for it although the entire constitution was not yet formulated. The Supreme Court in what is now known as "Plebiscite Case" declared such an advance plebiscite as against the constitution, and by this ruling the Supreme Court contributed much to constitutional law doctrine. A year

later, when the entire constitution had already been adopted by the Constitutional Convention, the Supreme Court was confronted with a more serious issue: whether the constitution was properly ratified in accordance with the constitution then in force, the 1935 Constitution. Two thirds of the 11-man Supreme Court or 8 justices were required to declare that the 1973 Constitution was not properly ratified, but since only six justices voted to hold that the Constitution was not properly ratified, four voting to hold that the Constitution was not properly ratified, the petition to challenge the effectivity of the Constitution was dismissed, and the martial law régime thus acquired a "constitutional" basis. Referring to this aberration, the Vice-President, Mr. Arturo Tolentino in his recently published book "Voice of Dissent" which was released only one month ago, has this to say: (at p. 548) "If the constitutional convention was responsible for proposing a dictatorship, the Supreme Court was guilty of confirming it." That celebrated litigation became known as the "Ratification Cases", and the constitution that was declared to be in force and effect became the 1973 constitution, which in turn was overturned by the people's revolution and its "freedom constitution".

A striking illustration of the influence of equity as known in the common law, in tempering the harshness of the written law is shown in the tragic struggle for freedom of Benigno Aquino, husband of our President Corazon Aquino. The late Senator Aquino was sentenced to death by a military commission during the early days of martial law. His conviction was challenged in the Supreme Court on the ground that he had been deprived of his life without due process of law the challenge was by means of habeas corpus, but this petition was dismissed. For three years, however, the death sentence was not carried out because of world outcry against the savagery of the verdict. In an attempt to skirt or go around the obstacle of the failed challenge to constitutionality, his lawyers filed another petition for habeas corpus on the ground that by allowing him to be tried by a military commission instead of by the regularly constituted courts which were still functioning at the time, he, in effect, was deprived the equal protection of the law, a theory inspired by a contemporaneous ruling of the Supreme Court of Pakistan which issued a temporary injunction against the court martial which condemned Ali Bhutto to death. In response to that petition under a new theory of constitutionality, the Supreme Court of the Philippines issued a momentous resolution (not a decision) stating that it is the unanimous sense of this court that the death penalty should not be carried out while the court was deliberating on the merits of the second petition for habeas corpus. It is important to note that the resolution was not in the form of injunctive relief, but an expression of a "unanimous sentiment". The military establishment and the President had the good sense of not disregarding this unanimous sentiment, and the execution of Mr. Aquino was not carried out, he suffered a heart attack during the interim, and he was permitted to go to the United States to seek medical attention. He lived only to die on the Tarmac under truly tragic circumstances, but Ali Bhutto, whose case became an inspiration for the Philippine petition, suffered a different fate when the Supreme Court of Pakistan ultimately recalled the temporary injunction and the military was able to carry out the judgement of death.

That experience led to the incorporation in the present constitution of the following:

Art. VII, section 18:

> A state of martial law does not suspend the operation of the constitution, nor supplant the functioning of the civil courts or legislative assemblies, nor authorize the conferment of jurisdiction on military courts and agencies over civilians where civil courts are able to function, nor automatically suspend the privilege of the writ.

The rule which bars a second criminal trial after a man had been acquitted of the same charge was enriched by the decision of the Supreme Court to have a new trial of former Armed Forces of the Philippines Chief of Staff General Fabian Ver and his co-accused who had earlier been acquitted by the Sandiganbayan, our graft court which had jurisdiction over the case committed by public officials, who were ordered to stand trial again for the assassination of Genigno Aquino, Jr. and the alleged assailant Rolando Galman, because it was established that the court which rendered the judgement of acquittal was not free since both the President of the court and the Chief Prosecutor were frequently summoned by the dictator during the course of the trial to discuss the case. Review by the Supreme Court of this sensational acquittal was made possible only by invoking the writ of equity known as certiorari. In the current Presidential lingo in the United States, this ruling may be called the Supreme Court's "defining moment".

During the dictatorship, those in power adopted the slogan "constitutional authoritarianism" which was entirely different from constitutionalism as is known today. In those days, constitutional authoritarianism meant the surrender by the people, albeit for a supposed limited period, of their rights in favour of the ruling authority; in those days, the words of the constitution provided for trappings of a constitutional government, but its transitory provisions also empowered the dictator to set aside the constituition so that the dictator's decrees and letters of instructions and Presidential Decrees were to be the law of the land even after the martial law régime had ended. This fixture made a farce of the constitution. The transitory provision was a self-destruct feature of that constitution. Rather than submit to that constitution which contained a pre-ordained surrender of the sovereign people's rights in favour of a dictator, the people responded in a dynamic manner by mounting what is now known as a people power revolution whose head immediately announced the policy of constitutionalism, but this feat could not have been possible if the people did not have any tradition of submission to government under a constitution. Constitutionalism exists even in those countries where there are traditional monarchies - the United Kingdom of Great Britain and Northern Ireland, Japan, Norway, the Netherlands, Malaysia - because in those countries, the Head of State yields to the constitution. The monarchs in those countries may not exercise true legal powers, but their very existence under the people's awareness that monarchs are subject to the rule of law is perhaps the most convincing proof of constitutionalism because while premiers and ruling parties may come and go, their monarchs remain merely as a symbol of authority in whose name legal authority is exercised. It is not enough that a country should have its written constitution. Above all, what is needed is that the people of that country must have a willingness to live by the constitution whether that constitution is formal and written as in the Philippines and in the United States or an accumulation of practices and precedents as in the United

Kingdom; there must be a willingness to submit to that constitution; the judiciary of that country must be the vigilant entity which will infuse life into that constitution. The essence of constitutionalism is submission of the people to their constitution. We had a traditionless constitution during the period of dictatorship, however, our country immediately reverted to its honoured constitutional traditions once the dictator was deposed and this was accomplished when, on 25 March 1986, barely 30 days after Corazon C. Aquino became President, she proclaimed a Freedom Constitution which may be spartan in wordings but its redeeming feature was the submission of the head of State to the rule of law, not to the rule of force.

On a personal note, in tracing the history of constitutionalism in the Philippines, two events where I was present are deeply etched in my mind: the first is that morning of 4 July 1946 when I, then a student in law school, stood near the base of the flagpole in front of Congress, when the stars and stripes flag was hauled down to mark our birth as a sovereign State, and second, the administering of the Presidential oath of office to President Corazon Aquino by the late Chief Justice Claudio Teehankee, my predecessor in the United Nations, in the main dining hall of the Club Filipino in Greenhills, San Juan, Metro Manila, surrounded by a cheering multitude.

I want to close this discourse by citing the wise words of Justice Bocobo of our Supreme Court who, in describing the continuing influence of the civil law tradition on quasi delicta or culpa extra contractual side by side with our common law tradition of torts, summed it all up in the following words: "the letter of the law killeth, but the spirit of the law giveth life". We are indeed observing only our fourth anniversary of the Philippine Constitution while the United States is observing its 204th anniversary. However, considering the established Philippine tradition of constitutionalism, we can proudly say, invoking current American lingo advertised in the cigarette industry, "You've come a long way, baby".

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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-sixth year

Letter dated 6 February 1991 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and with reference to our previous letters concerning the repeated cases of Israeli aggression against Lebanon, the last such letter dated 4 February 1991 (S/22196), I have the honour to transmit herewith information on the latest acts of aggression carried out on Tuesday, 5 February 1991.

Aircraft from the Israeli airforce carried out large-scale attacks against a group of Lebanese villages situated to the east of the city of Sidon, causing 12 deaths, wounding 25 persons and destroying a large number of houses in the villages of Krayeh, Jensnaya, Baysoor, Sarba, Humine and Arabsalim, situated in the region of Iklim Touffah, where the Council of Ministers of Lebanon recently decided to send Lebanese army units (see document S/22195 of 4 February 1991).

The Lebanese Government, which categorically denounces this further act of Israeli aggression against Lebanese territory and citizens and against persons residing in Lebanon, which constitutes a series of violations of national sovereignty and international laws and customs, notes that this escalation of Israeli aggression is deliberate and designed to impede and thwart the implementation of the decision to deploy the Lebanese army in the villages adjacent to the region occupied by Israel in order to strengthen security and stability there, which is a first step towards the re-establishment by the Lebanese State of sovereignty over its territory.

By using military force, Israel once again demonstrated its opposition to any normalization of the situation in Lebanon and its policy aimed at blocking any initiative taken by the Lebanese State to that end. At this time, the

international community is called upon to halt the destructive actions by Israel and adopt an effective position to assist the Lebanese Government in its constructive efforts in order to establish international peace and security in Lebanon and the region.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under the item entitled "The situation in the Middle East", and of the Security Council.

(Signed) Khalil MAKKAWI
Ambassador
Permanent Representative

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7 February 1991

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GENERAL ASSEMBLY
Forty-sixth session

ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS

Letter dated 5 February 1991 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to refer to the letter dated 11 January 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to you and to the statement on Myanmar issued by the European Community and its 12 member States on 4 January 1991 annexed thereto, the texts of which were circulated as General Assembly document A/46/63 dated 16 January 1991.

In this connection I have the honour to inform you that the same statement was officially communicated to the Ministry of Foreign Affairs of the Government of the Union of Myanmar by the Embassy of France at Yangon. The text of the Ministry's reply to the Embassy, contained in its note dated 25 January 1991, is attached hereto (see annex).

Moreover, I should like to take this opportunity to point out that by Law No. 15/89, enacted on 18 June 1989 by the State Law and Order Restoration Council, the name of my country was changed to the Union of Myanmar with effect from the said date. It is therefore most regrettable that the States members of the European Community persist in referring to my country by its old name. This can only be taken as an act of discourtesy towards the entire Myanmar nation.

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the forty-sixth session of the General Assembly under the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

(Signed) Kyaw MIN
Ambassador
Permanent Representative

ANNEX

Note dated 25 January 1991 communicated to the Embassy of France at Yangon by the Ministry of Foreign Affairs of Myanmar

The Ministry of Foreign Affairs of the Union of Myanmar presents its compliments to the Embassy of France and has the honour to refer to its note No. 01/90-MOFA dated 7 January 1991 forwarding the text of the statement of the European Community on Myanmar which was adopted on 4 January 1991 by the 12 member States of the European Community.

The Ministry is glad to note that in the statement, the Community and its member States have expressed their satisfaction at the way in which the Multi-Party Democratic Elections were held in Myanmar last May.

However, the Ministry totally rejects the allegations stated in the statement that the Myanmar Government is failing to respond to the will of the people and rejecting the requests of the elected representatives for a democratic process to be initiated. The State Law and Order Restoration Council has repeatedly affirmed that it has no intention of delaying the transfer of power to a firm government constituted according to the law. It has also been emphasized time and again that the elected representatives will shoulder the main responsibility in drafting a constitution and that the State Law and Order Restoration Council will hand over power to a democratically elected Government.

Regarding the accusations that civil and democratic rights are violated in Myanmar, the Ministry would like to state that the people of Myanmar enjoy full fundamental freedoms according to law. Furthermore, the State Law and Order Restoration Council has repeatedly clarified that there are no political prisoners in Myanmar and those who have been placed under restriction or detention are in such a position not for political reasons, but because they have transgressed the law.

The Ministry of Foreign Affairs would therefore be grateful if the Embassy of France could bring the above facts to the notice of the European Community and its member States.

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Economic and Social Council

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GENERAL ASSEMBLY
Forty-sixth session
INTERNATIONAL CO-OPERATION TO STUDY, MITIGATE AND MINIMIZE THE CONSEQUENCES OF THE DISASTER AT CHERNOBYL

ECONOMIC AND SOCIAL COUNCIL
Second regular session of 1991
INTERNATIONAL CO-OPERATION TO STUDY, MITIGATE AND MINIMIZE THE CONSEQUENCES OF THE DISASTER AT CHERNOBYL

Letter dated 6 February 1991 from the Permanent Representative of the Ukrainian Soviet Socialist Republic to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a Statement issued by the Supreme Soviet of the Ukrainian Soviet Socialist Republic on 5 February 1991 regarding the adoption by the General Assembly at its forty-fifth session of resolution 45/190, entitled "International co-operation to address and mitigate the consequences of the accident at the Chernobyl nuclear power plant" (see annex).

I should be grateful if you would circulate this letter and its annex as an official document of the General Assembly and of the Economic and Social Council under the relevant agenda items.

(Signed) Guennadi I. OUDOVENKO
Ambassador
Permanent Representative of the Ukrainian Soviet Socialist Republic to the United Nations

ANNEX

Statement issued by the Supreme Soviet (Parliament) of the Ukrainian Soviet Socialist Republic on 5 February 1991

The Supreme Soviet of the Ukrainian SSR regards the unanimous adoption by the General Assembly at its forty-fifth session of a resolution on international co-operation to address and mitigate the consequences of the accident at the Chernobyl nuclear power plant as a confirmation of the international community's readiness to mobilize efforts to solve a group of problems related to the most extensive technological and environmental disaster of modern times. We are grateful to all the States Members of the United Nations which supported that resolution, which is so important to the Ukrainian SSR, and demonstrated their determination to make a genuine contribution to the development of international co-operation based on universal human values and the new political thinking.

Of particular importance are the specific provisions of the resolution which confirm the idea of broad international co-operation, free from the limitations of particular ideologies or political blocs, to deal with problems created by the Chernobyl accident. The implementation of those provisions will make it possible to establish effective co-operation among the organs, organizations and specialized agencies of the United Nations system, and will enable them to make a substantial contribution to the considerable and long-term efforts to mitigate the consequences of the accident. Regular contacts with the Secretary-General and the Secretariat of the United Nations will be particularly important and will contribute to the solution of the problems of Chernobyl.

For us, 26 April is a day of memory and grief. However, Chernobyl is not only the memory of the tragic days of 1986. It is also a manifestation of compassion and mercy, confirmed by the moral and material assistance which the Ukraine is currently receiving from all over the world. We are grateful to all those who helped the Ukrainian people in its time of tribulation.

Chernobyl is a tragedy but, at the same time, it is also a harsh lesson which must become a reference point for determining the degree of moral and social responsibility we all bear towards present and future generations. That responsibility obliges and compels us to unite our efforts to save life on Earth. General Assembly resolution 45/190 is a step in that direction, and the Supreme Soviet of the Ukrainian SSR will contribute in every way possible to the implementation of its provisions.

The Supreme Soviet of the Ukrainian SSR calls upon peoples of all countries, their parliaments and Governments, international governmental and non-governmental organizations, the general public and individuals to do their utmost to ensure the most effective implementation of the provisions of the aforementioned resolution and to provide comprehensive assistance to the Ukraine in order to help mitigate the consequences of the accident at the Chernobyl nuclear power plant.

UNITED
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GENERAL

A/46/83
8 February 1991

ORIGINAL: ENGLISH

Forty-sixth session

ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS

Letter dated 8 February 1991 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to refer to the letter dated 24 January 1991 from the Permanent Representative of Panama to the United Nations addressed to Your Excellency, to which was appended a letter from the "Representative-at-large of the All-Burma Federation of Student Unions addressed to the Secretary-General" (A/46/72 dated 25 January 1991).

The Permanent Representative of Panama seeks to portray the so-called ABFSU as an organization dedicated to the cause of human rights and democracy. In reality, however, it is an unlawful association whose members have joined forces with armed insurgent groups operating in the remote border regions of Myanmar. For decades, these groups have not only been waging an armed insurrection against successive lawful governments of my country, but have been committing acts of terrorism, atrocities and other heinous crimes of every description against innocent civilian populations.

The self-styled "Representative-at-large" of the said organization is an expatriate Myanmar now holding the citizenship of a foreign country who has long made common cause with insurgent groups in Myanmar and frequently pays clandestine visits to their camps.

In the light of this, the action taken by the Permanent Representative of Panama in having the letter in question circulated as an official document of the General Assembly goes far beyond an act of interference in the internal affairs of Myanmar in violation of the cardinal principles of the Charter which have been reaffirmed in innumerable United Nations declarations and resolutions. Indeed, it is tantamount to encouraging armed insurrection and terrorism, and fomenting civil disorder in my country.

In the name of the Government of the Union of Myanmar I hereby lodge a strong protest against the action of the Permanent Representative of Panama, which he has taken by misusing his prerogative as the representative of a Member State.

I should be grateful if you would be so kind as to have this letter circulated as a document of the forty-sixth session of the General Assembly under the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

(Signed) Kyaw MIN
Ambassador
Permanent Representative

UNITED
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A/46/84
11 February 1991
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ORIGINAL: SPANISH

Forty-sixth session

AMENDMENT OF THE TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER

Letter dated 7 February 1991 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of the decision adopted on 18 January 1991, at the proposal of Indonesia, Mexico, Nigeria, Peru, Philippines, Senegal, Sri Lanka, United Republic of Tanzania, Venezuela and Yugoslavia, by the Amendment Conference of the States Parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, held at United Nations Headquarters from 7 to 18 January 1991 (see annex).

I should be grateful if you would have the text of this letter and its annex distributed to all the members of the United Nations as an official document of the forty-sixth session of the General Assembly, under the item entitled "Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water".

(Signed) Ambassador Jorge MONTAÑO
Permanent Representative of Mexico
to the United Nations

ANNEX

Decision adopted on 18 January 1991 by the Amendment Conference of the States Parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, held in New York from 7 to 18 January 1991

Acknowledging the complex and complicated nature of certain aspects of a comprehensive test-ban treaty, especially those with regard to verification of compliance and possible sanctions against non-compliance, the States parties were of the view that further work needed to be undertaken. Accordingly, they agreed to mandate the President of the Conference to conduct consultations with the view to achieving progress on those issues and resuming the work of the Conference at an appropriate time.

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A/46/85
12 February 1991

ORIGINAL: ENGLISH

Forty-sixth session

ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS

Note verbale dated 12 February 1991 from the Permanent Mission of Suriname to the United Nations addressed to the Secretary-General

The Permanent Representative of the Republic of Suriname to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit the following information regarding elections to be held in the Republic of Suriname.

On 9 February 1991, the President of the Republic of Suriname, His Excellency Johan S. P. Kraag, made the announcement that free and genuine elections are scheduled to be held on 25 May 1991. Registration of political parties will take place between 18 and 23 March 1991.

The President of the Republic of Suriname, His Excellency Johan S. P. Kraag, furthermore announced that international observers will be invited to monitor the elections.

The Permanent Representative would be grateful if the present letter could be circulated as a document of the forty-sixth session of the General Assembly under the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

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